

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRENDA TOLBERT,	§	
	§	
Plaintiff	§	
	§	Case No.: 4:11-CV-00107
v.	§	
	§	Judge Keith P. Ellison
RBC CAPITAL MARKETS	§	
CORPORATION n/k/a RBC CAPITAL	§	
MARKETS, LLC, ET AL.,	§	
Defendants.	§	
	§	

**STIPULATION IN RESPONSE TO PLAINTIFF'S
MOTION TO JOIN PARTIES PLAINTIFF**

Defendants RBC Capital Markets Corporation n/k/a RBC Capital Markets, LLC, RBC Centura Bank n/k/a RBC Bank (USA), and RBC U.S. Insurance Services, Inc. hereby submit this Stipulation in Response to Plaintiff's Motion To Join Parties Plaintiff, which was filed on March 7, 2012 (Doc. No. 94). The Motion requests the joinder of two additional named plaintiffs to this lawsuit. Counsel for all parties has conferred regarding Plaintiff's Motion and have reached the following agreement:

1. Defendants will not file an opposition to Plaintiff's Motion.
2. Plaintiff will present the two new proposed plaintiffs, Mr. Gift and Mr. Neuhaus, for their depositions at the earliest mutually agreeable time. The parties have discussed possible dates for these depositions, and they are currently set for April 16, 2012.
3. Plaintiff will not oppose any subsequent motion by Defendants to supplement the briefing on the outstanding motions for class certification (*see* Doc. Nos. 31, 45, 46, 50, 55, 58) and summary judgment (Doc. Nos. 84, 87, 91-93), should the results of the above depositions so

require. However, Defendants will not seek an extension of the trial date on account of such supplemental briefing, if any.

4. By declining to oppose the joinder of Mr. Gift and Mr. Neuhaus, Defendants are not waiving—and in fact are expressly preserving—their argument that these proposed plaintiffs have failed to exhaust their administrative remedies under the RBC Wealth Accumulation Plan (the “WAP”).

Accordingly, subject to the terms of this Stipulation, Defendants do not oppose Plaintiff’s Motion to Join Parties Plaintiff.

Date: March 26, 2012

Respectfully submitted,

s/ Sari M. Alamuddin

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Stipulation in Response to Plaintiff's Motion To Join Parties Plaintiff has been sent to counsel of record through the Court's CM/ECF system this 26th day of March, 2012, as follows:

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